

UNITED STATES DISTRICT COURT

for the
Eastern District of Missouri

In the Matter of the Search of

INFORMATION ASSOCIATED WITH ACCOUNT
 "MotleyCrueforever1"; UC9sALwq0K77uPsHEGjDymWg [YouTube External Channel ID]; 788914413071 [Google Account ID]; Gaia ID 27028909677 THAT IS STORED AT PREMISES CONTROLLED BY Google LLC.

)
)
) Case No. 4:22 MJ 1266 JMB
) SIGNED AND SUBMITTED TO THE COURT FOR
) FILING BY RELIABLE ELECTRONIC MEANS

APPLICATION FOR A SEARCH WARRANT

I, Mark Leone, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

SEE ATTACHMENT A

located in the NORTHERN District of CALIFORNIA, there is now concealed (*identify the person or describe the property to be seized*):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section - Offense Description

Title 18 U.S. Code § 875 - Interstate Threats and Title 18 U.S.C. § 249 - Hate Crimes Act

The application is based on these facts:

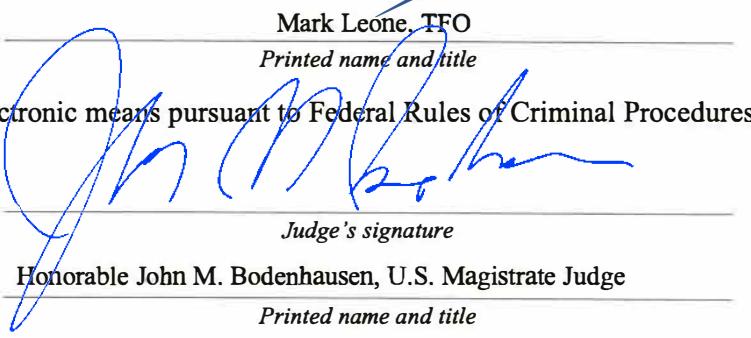
SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

I state under the penalty of perjury that the foregoing is true and correct.


Applicant's signatureMark Leone, TFO
Printed name and title

Sworn to, attested to, or affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedures 4.1 and 41.

Date: 07/22/2022
Judge's signatureCity and state: St. Louis, MO

Honorable John M. Bodenhausen, U.S. Magistrate Judge

Printed name and title

AUSA: Colleen C. Lang

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
ACCOUNT “MotleyCrueforever1”;
UC9sALwq0K77uPsHEGjDymWg
[YouTube External Channel ID];
788914413071 [Google Account ID]; **Gaia**
ID 27028909677 THAT IS STORED AT
PREMISES CONTROLLED BY **Google**
LLC.

No. 4:22 MJ 1266 JMB

SIGNED AND SUBMITTED TO THE
COURT FOR FILING BY RELIABLE
ELECTRONIC MEANS

FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, **Mark Leone**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant pursuant to 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) and Federal Criminal Procedure 41 for information associated with certain accounts that is stored at premises owned, maintained, controlled, or operated by **Google LLC** (hereinafter the Provider), an electronic communications service/remote computing service provider headquartered at **1600 Amphitheatre Parkway, Mountain View, California 94043**. The information to be searched is described in the following paragraphs and in Attachment A. The requested warrant would require the Provider to disclose to the United States and other information in its possession pertaining to the subscriber or customer associated with the accounts, including the contents of communications as further described in Attachment B.

2. I am a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) since February 2019. Additionally, I have been a police officer for 20 years, with 15 years of

investigative experience as a detective. I am currently assigned to the St. Louis Field Office of the FBI, assigned to full-time investigations specifically involving counterterrorism and other violent crime matters. Through my training and experience as a Police Officer and Task Force Officer, I am familiar with investigations involving all crimes, to include, but not limited to, felony assault and murder as well as individuals who use electronic means to threaten, harass, and intimidate others, including the execution of search warrants on computers, email accounts, telecommunication devices and other forms of electronic media. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of **Title 18 U.S. Code § 875 - Interstate Threats and Title 18 U.S.C. § 249 -Hate Crimes Act**, have been committed by **Nicholas Mester and/or unknown persons**. There is also probable cause to search the information described in Attachment A for evidence, instrumentalities, contraband, and/or fruits of these crimes further described in Attachment B.

LOCATION TO BE SEARCHED

3. This warrant applies to information associated with **YouTube Username/Screen name/ Display Name “MotleyCrueforever1”; UC9sALwq0K77uPsHEGjDymWg** [YouTube External Channel ID]; **788914413071** [Google Account ID]; **Gaia ID 27028909677**, hereon referred to as the “ACCOUNT” that is stored at premises owned, maintained, controlled, or operated by **Google LLC**, a company headquartered at **1600 Amphitheatre Parkway, Mountain View, California 94043**.

JURISDICTION

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the **United States District Court – Eastern District of Missouri** is a district court of the United States that has jurisdiction over the offense being investigated. 18 U.S.C. § 2711(3)(A)(i).]

PROBABLE CAUSE

- a) On July 19, 2022, the Federal Bureau of Investigation (FBI) National Threat Operations Center (NTOC) received an online submission, via www.tips.fbi.gov, from an anonymous complainant¹ reporting they had viewed a live-stream on YouTube (no date/time provided) involving two individuals, one of which was identified as YouTube account “MotleyCrueforever1”. It was reported that during the live-stream “MotleyCrueforever1” made threats to commit a racially motivated attack, set to occur on Saturday, July 23, 2022 in St. Louis, Missouri specifically targeting “Blacks and Latinos.” The tipster provided screen captures of the account in question but did not provide the video containing the threat(s).
- b) According to YouTube.com, YouTube is an American online video sharing and social media platform and is owned by Google.
- c) On July 20, 2022, an assessment was generated and this affiant served a preservation request and an Emergency Disclosure Request (EDR) upon Google, seeking further information associated with YouTube ACCOUNT.

¹ While the complaint is anonymous the FBI does know that the complaint came from a person with IP address 181.179.27.221, which resolves to Provincia de Panama, Panama.

- d) An FBI Operations Support Technician (OST) viewed several videos, via YouTube, that were publicly available on the ACCOUNT and noted the user primarily reviews and discusses heavy metal music albums, some of which appear to supportive of the white supremacist/neo-Nazi movement. There were no publicly available live-stream videos.
- e) An FBI Intelligence Analyst (IA) located an email account “nmester@swbell.net” associated with the YouTube profile.
- f) An analyst with the St. Louis Fusion Center (STLFC) reviewed a series of videos posted to the same YouTube ACCOUNT as well as the associated comments. In the comments, the video host is referred to as “Nick”.
- g) A query of law enforcement databases located the following individual in the Missouri Department of Revenue Drivers’ License database:

MESTER, Nicholas Richard
DOB: 02/26/1992
SSN: 494-06-7745
DL: T149187054 (MO)

Last Known Address:

14 Eagle Rock Cove; Unit 206; Valley Park, MO 63088

Previous Address:

5124 Deerfield Circle Drive; Unit 2; St. Louis, MO 63128

- h) A review of MESTER’s Missouri drivers’ license photo depicts an individual who is consistent in appearance with the subject seen in the YouTube ACCOUNT.
- i) A separate law enforcement query located a police report for an offense of Unlawful Use of a Weapon, where Mester was identified as a witness against his roommate who was identified as the suspect in the incident. In that report, Mester provided two telephone

numbers, 636-225-4430 and 314-960-2125, per St. Louis County Police Department – Report # 22-1077.

j) Google responded to the EDR request and amongst other information, provided the following identifiers associated with the YouTube account in question:

i. Name: Nicholas Richard

Email: Motleycrueforever@gmail.com

Recovery Email: nmester@swbell.net

Recovery SMS: +1-314-960-2125

*ii. *Note – Same telephone number Mester provided in the report to police.*

k) Following the EDR response, this affiant received a telephone call from Steve (NFI), with the Google legal department. Steve advised that his team had located several live-stream archived videos involving the ACCOUNT. Of the portions of video reviewed by Google, they observed what appears to be the user “MotleyCrueforever1” and an unidentified second male performing a “Nazi salute” and discussing their hatred of African Americans, referring to them using racial slurs. Steve added that due to the volume of EDR’s being processed by Google and a lack of manpower, his team was unable to review the videos in totality and Google required a search warrant to provide the videos to the FBI for further review and examination of content.

l) In summary, an anonymous tipster notified the FBI of an individual associated with YouTube account “MotleyCrueforever1,” along with a second unidentified individual threatening to commit murder of “Blacks and Latinos” in St. Louis, Missouri on July 23, 2022. Investigative efforts identified the subscriber of that account as Nicholas Mester of St. Louis, Missouri. At minimum, Mester has access to firearms through a roommate,

according to a police report filed in January 2022. Review of publicly viewable videos on the account reveal Mester subscribes to neo-Nazi inspired music/ideologies. Google representatives confirmed the presence of several non-publicly viewable live-stream videos. At least one of which depicts two individuals, consistent with the tipster's description. Wherein a partial review of one such live-stream depicts Mester along with another unidentified male performing a Nazi salute and discussing their hatred of African Americans, as noted by the Google legal team. Google advised this affiant they were unable to review the videos in full and required a search warrant in order to release them to FBI. All other efforts to obtain this information have been exhausted.

m) Based on my law enforcement experience, I know that violent offenders often communicate and plan their attacks online through social media applications like YouTube. Based on my training and experience as an investigator in the field of domestic terrorism, I believe that the videos in Google's possession, that the FBI seeks, will assist in giving more details about a plan to murder minority citizens in St. Louis, Missouri.

5. In general, providers like **Google LLC** ask each of their subscribers to provide certain personal identifying information when registering for an ACCOUNT. This information can include the subscriber's full name, physical address, telephone numbers and other identifiers, e-mail addresses, and, for paying subscribers, a means and source of payment (including any credit or bank account number).

6. Providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the

methods used to connect to the account, and other log files that reflect usage of the account. In addition, providers often have records of the Internet Protocol address (“IP address”) used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the account.

7. In some cases, account users will communicate directly with a provider about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Providers typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well records of any actions taken by the provider or user as a result of the communications.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

8. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require the Provider to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

9. Based on the forgoing, I request that the Court issue the proposed search warrant. The United States will execute this warrant by serving the warrant on the Provider. Because the warrant will be served on the Provider, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

10. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

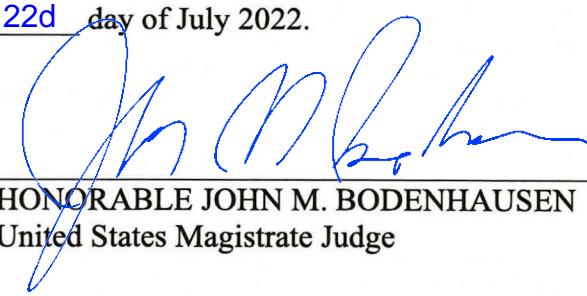
11. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

I state under the penalty of perjury that the foregoing is true and correct.



MARK LEONE
Task Force Officer
Federal Bureau of Investigation

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41 on this 22d day of July 2022.



HONORABLE JOHN M. BODENHAUSEN
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with **YouTube Username/Screen name/ Display Name** “**MotleyCrueforever1**”; **UC9sALwq0K77uPsHEGjDymWg** [YouTube External Channel ID]; **788914413071** [Google Account ID]; **Gaia ID 27028909677** that is stored at premises owned, maintained, controlled, or operated by **Google LLC**, a company headquartered at **1600 Amphitheatre Parkway, Mountain View, California 94043**.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Google LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of **Google LLC**, regardless of whether such information is located within or outside of the United States, and including any messages, records, files, logs, or information that have been deleted but are still available to **Google LLC**, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), **Google LLC** is required to disclose the following information, from **January 1, 2022 to July 21, 2022**, to the United States for each account or identifier listed in Attachment A:

- a. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- b. The types of service utilized by the user;
- c. Live stream videos in which the account holder was either the creator or contributor of the videos.
- d. Viewer comments associated with the live stream videos.
- e. All records pertaining to communications between **Google LLC** and any person regarding the account, including contacts with support services and records of actions taken.

The Provider is hereby ordered to disclose the above information to the United States within fourteen days of service of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of **Title 18 U.S. Code § 875 - Interstate Threats/Communications and Title 18 U.S. Code § 249 – the Hate Crimes Act** involving **Nicholas Richard Mester and/or unknown persons**, username/screen name/display name **“MotleyCrueforever1”**; **UC9sALwq0K77uPsHEGjDymWg** [YouTube External Channel ID]; **788914413071** [Google Account ID]; **Gaia ID 27028909677** since **January 1, 2022** including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- (a) Live stream videos posted onto the account where threats have been made to African American and Latino persons
- (b) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

CERTIFICATE OF AUTHENTICITY OF
DOMESTIC BUSINESS RECORDS PURSUANT TO
FEDERAL RULE OF EVIDENCE 902(11)

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by _____, and my official title is _____. I am a custodian of records for _____. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of _____, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of _____; and
- c. such records were made by _____ as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature